

THE PLACE OF RELIGION IN EDUCATION IN PORTUGAL

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The Constitution of Portugal states that parents have the right and duty to educate their children according to their moral and religious values.

I. Religious instruction organised during the school hours (in lower and in secondary education) in state funded schools

I.1 Question: Religious instruction organised during the school hours (in lower and in secondary education) in state funded schools. Is – and if affirmative please refer to the provisions in the law (add the text separately) – the teaching of religion in your country organised during school time in public educational institutions: in primary education, in secondary education.

Answer:

Yes, in lower education (basic education of 9 years).

I.2 Question: What choices amongst the religious education possibilities are offered in public educational institutions, e.g. catholic religion, Islamic teaching,

Answer:

Yes, according to the law, in alternative to catholic instruction. But there are no cases.

II. State funded denominational schools and state supervision

II.1. Question: Are there state funded denominational schools in your country? If affirmative, what is the numeric importance of state funded schools. If affirmative, what is the numeric importance of Islamic state funded schools. Please refer to statistical information on-line

Answer:

II.2. Question: Are there non-state funded denominational schools in your country (private)? If affirmative, what is the numeric importance of private schools. If affirmative, what is the numeric importance of Islamic private schools. Please refer to statistical information on-line

Answer:

Yes, but only one private school.

II.3. Question: How do the authorities control the teaching in state funded denominational schools and are there any special questions about the control of the content of teaching in state-funded denominational schools? Please refer to the provisions in the law.

Answer:

No. They have no real importance. Muslim community is assimilated and moderate.

III. Refusal or limitations on the number of pupils of another conviction/belief by the governing board of a confessional (catholic) school

III.1. Question: Does the head of a state funded denominational (e.g. Catholic) school has the right to refuse pupils from other religious beliefs? Please refer to the provisions in the law.

Answer:

Private schools can choose there students. There are no cases of litigation on this issue.

III.2. Question: Does the head of a state funded denominational (e.g. Catholic) school the authority to limit the number of pupils from other religious beliefs (e.g. Muslim pupils) in order to support the specificity of the project?

Answer:

Private schools can choose their students.

IV. Point of views of the authorities concerning the teaching of Islam in denominational (Catholic) education, Islam instruction or instruction on other convictions/beliefs in denominational (catholic) schools for (a number of pupils requesting it) and alternative ethical course

IV.1. Question. Is there a legal obligation to organise, if parents ask for, classes of Islamic religion in denominational (Catholic) education funded by public authorities? a. for any pupil for whom a request has been made? b. from a minimum number of pupils for whom a request has been made?

Answer: No

IV.2. Question. Does the same obligation exist for the offer of (a) other religions and/or philosophical convictions, (b) an alternative class of conception of life, philosophy, ethics

Answer: No, only for public schools.

IV.3. Question. Can you shortly mention the pro and contra standpoints that have been expressed concerning the respect of fundamental rights (among others, freedom of education and right to education) in relation with this obligation?

Answer:

a) There are Constitutional Court decisions only about religious instruction in public schools.

The Court ruled:

- There can be the teaching of catholic religion in public schools

- It is admissible that the same teacher can also teach religion

- Schools should offer alternative ethic courses.

b) Parents association can organize Islamic or other religion instruction in substitution of catholic instruction in public schools.

IV.4. Question. Reference to the legal basis, with Website address, and also if possible to the parliamentary preparation of texts.

Answer:

V. Teaching of Islam in denominational (e.g. Catholic) schools at their own initiative

V.1. Question: Is there in your country a general guideline for teaching of Islam in denominational (e.g. Catholic) schools at their own initiative defined by (a) the Bishops' Conference, (b) another body, namely. . .

V.2. Question: If affirmative, does the guideline implies that (a) the teaching of other religions is organised when: one parent asks for, or a sufficient number of parents ask for (how many?), (b) only teaching of Islam is offered as alternative religion when one parent asks for or a sufficient number of parents ask for (how many?)

V.3. Question: There is no guideline and: (a) in fact, teaching of Islam is never proposed in Catholic schools, or (b) the teaching of Islam is organised in some schools, which have taken themselves the initiative. If possible, explain the importance of this option

Answer:

No.

VI. Religious symbols in public schools

VI.1. Question: Are religious symbols (e.g. crucifix) in public schools compulsory, allowed, or forbidden?

Answer:

VI.2. Question: Is a teacher allowed to wear the Islamic headscarf and manifest her religion? Please explain if not allowed on which grounds.

Answer:

VI.3. Question: Is a pupil allowed to wear the Islamic headscarf and manifest her religion? Please explain if not allowed on which grounds.

Answer:

VI.4. Question: Who decides on the dress code in schools. Please refer to the law.

Answer:

VI.5. Question: Can a pupil and/or a teacher be exempted from the dress code when she considers it her religious duty to wear the Islamic headscarf?

Answer:

VI.6. Question: Who is the regulatory authority in this sphere?

Answer:

VI.7. Question: What kind of disciplinary measures and proceedings are taken if the pupil or teacher fails to comply with the rules on dress codes?

Answer:

VI.8. Question: Please describe the case-law in your country.

Answer:

VII. After-school education in private religious institutions. Islamic instruction organised after the school hours (age 6-18)

VII.1. Question: Is there any form of Islamic teaching (for children and youngsters of age 6-18) in your country organised after school time in private religious institutions:

Answer:

VII.2. Question: Is there any form of Islamic teaching in your country organised in primary education age (6-12)

Answer:

VII.3. Question: Is there any form of Islamic teaching in your country organised in secondary education age (12-18)

Answer:

VII.4. Question: How many such institutions are there in your country providing Islamic instruction organised after the school hours?

Answer:

VII.5. Question: How many children take part in the activities of Islamic instruction organised after the school hours?

Answer:

VII.6. Question: How is the pedagogical quality of Islamic instruction organised after the school hours safeguarded?

Answer:

VII.7. Question: How would you characterize the public debate about this form of Islamic instruction organised after the school hours?

Answer:

VIII. Additional comments

XI. Bibliography